

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEWAYNE WASHINGTON,

Plaintiff,

vs.

J. TURNER, ET AL.,

Defendant.

Case No. 2:01-cv-01677- JKS

ORDER SETTING TRIAL AND
SETTLEMENT CONFERENCE DATES
AND REOPENING DISCOVERY

On October 10, 2007, the Court conducted a telephone status conference. Deputy Attorney General Megan O'Carroll appeared on behalf of the defendants, Park and Turner. Jeffrey L. Bornstein, Kirkpatrick & Lockhart Preston Gates Ellis LLP, appeared on behalf of the plaintiff, DeWayne Washington.

The Court reviewed the procedural posture of the case including the Court's concern regarding the need to obtain a more complete record relating to the defendants' claim that Mr. Washington failed to exhaust his administrative remedies and Mr. Washington's claim that he was coerced by the defendants to give up or surrender his grievance.

For good cause shown, and in the interest of justice, and for the reasons stated during the hearing, the Court makes the following findings:

1. This matter shall be referred to a settlement conference before a Magistrate - Judge in the Eastern District of California.

1 2. Based on Ms. O'Carroll's suggestion, the Court will ask Magistrate-Judge
2 Drozd to preside over the conference. The Court believes it is in everyone's interest to have
3 the conference as early as scheduling will permit. The Court orders that the California
4 Department of Corrections and Rehabilitation ("CDCR") make arrangements for Mr.
5 Washington to be personally present at the settlement conference. The Court further orders
6 that a CDCR official with settlement authority also be personally present at the settlement
7 conference.

8 3. The Court grants the plaintiff's motion to reopen discovery under the following
9 terms:

10 a. Counsel for the parties shall work together to accomplish the discovery
11 in an expedited and cooperative manner. The Court anticipates this limited discovery to be
12 completed within the next 30 days.

13 b. Plaintiff's counsel shall be responsible for noticing the depositions of
14 defendants Park and Turner and Drs. Beam and Roche and arranging for a court reporter.
15 The depositions shall take place at the California Medical Facility in Vacaville where Mr.
16 Washington is currently incarcerated or at another location to be determined by the State
17 with the understanding that Mr. Washington shall be permitted to attend the depositions.
18 The State shall make the necessary arrangements for this to occur.

19 c. Defendants shall be entitled to take the further deposition of Mr.
20 Washington to further elucidate the record in accordance with the Court's views expressed
21 during this hearing.

22 4. This matter is set for trial on Monday, December 3, 2007 at 9:00 a.m. The
23 Court anticipates a preliminary bench trial on the issue of exhaustion of administrative
24 remedies followed by a jury trial, if necessary. Jury selection is tentatively scheduled to
25 begin on December 4, 2007. Any party feeling aggrieved by this schedule may make a
26 motion to vacate the trial date based on a sufficient showing.

27 5. The Court will set a further pretrial conference date. The Court views the
28 previously issued pretrial order as being preliminary in nature and both sides are permitted

1 to file additional Trial Memoranda objecting to or supplementing the pretrial order as
2 necessary.

3 6. Counsel are further directed to meet and confer with the US Marshal in the
4 EDCA and the CDCR to ensure that satisfactory arrangements are made for Mr.
5 Washington and any other inmates needed for trial are present and available to testify as
6 needed. The Court requests that the US Marshal and CDCR officials coordinate security
7 and custody arrangements, including clothing and any necessary restraints or security
8 measures that will need to be taken. If the parties are unable to obtain the cooperation of
9 the authorities, they are to notify the Court.

10 It is so Ordered.

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12 Dated: October 15, 2007

13 /s/James K. Singleton, Jr.
14 HONORABLE JAMES K. SINGLETON, JR.
15 United States District Judge
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